

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 11198/1998

BETWEEN:

Sri.Pundalik Bhavakanna Kokitkar,  
age: major, Occ: Agriculture,  
r/o Managatti, Tq: Hukkeri, Dist.  
Belgaum.

.. Petitioner

(By Sri S.M.Patil, Adv.,)

AND:

1. State of Karnataka,  
Revenue Dept., by its  
Secretary, M.S.Building,  
Bangalore.
2. Assistant Commissioner,  
Belgaum Divn., Belgaum.
3. Sri.Maruti Ganapati Anand,  
Age: major, Occ: Agriculture,  
r/o Managutti, Tq: Hukkeri,  
Dist. Belgaum.

.. Respondents

(By Sri K.Nagaraja, HCGP, for R1 & 2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash vide Anx. B dated 6.1.98 by R2 and etc.,

This Writ Petition coming on for prly. hearing this day, the Court made the following :-

## O R D E R

This case is covered by the decision of this Court in MURUGARAJENDRA MAHASWAMY Vs. DEPUTY COMMISSIONER, ILR 1986 Kar 1059 wherein it is held that the person aggrieved by the order of the Appellate Court under sub-section (2) of section 136 of the Act should resort to a Suit as prescribed under proviso to section 135 of the Act. In view of the aforesaid decision and also in view of the settled principle that the entries in the revenue records are always subject to the decision of the Civil Court in a properly framed Civil Suit, this petition is rejected leaving liberty to the petitioner to file a Suit for declaration of his title and for appropriate relief, if he is so advised.

2. In the circumstances of the case, there is no order as to costs.

Sd/-  
JUDGE

ckl/4498

